

03500.017657.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: C. Smith
YOSUKE EZUMI)	
	:	Group Art Unit: 8713
Application No.: 10/760,355)	
	:	
Filed: January 21, 2004)	
	:	
For: COMMUNICATION)	
APPARATUS AND CONTROL	:	
METHOD THEREOF)	January 18, 2008

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicant requests a refund of \$1,755.00 for the Issue Fee, Publication and Soft Copies of Patent fees, which were charged to Deposit Account 50-3939 on November 1, 2007. It is requested that the refund be applied as a credit to Deposit Account 50-3939. The reason for the refund is explained below.

A Notice of Allowance and Fee(s) Due form was mailed by the Office on October 10, 2007. On November 1, 2007, Applicant paid the requisite issue fee and publication fee, and also requested five (5) soft copies of the issued patent and paid the

requisite \$15 therefore. A total sum of \$1,755.00 was charged to Deposit Account 50-3939 for the foregoing fees.

On December 21, 2007, the Office mailed a Notice Of Withdrawal From Issue Under 37 C.F.R. § 1.313(b), indicating that the application was being withdrawn from issuance due to unpatentability of one or more claims. Applicant's undersigned representative contacted the Examiner to determine the reasons for the withdrawal, to which the Examiner stated that new art was found over which the claims would be rejected under 35 U.S.C. § 102 and/or § 103. The Notice Of Withdrawal indicates that the fees may be refunded upon request and therefore, Applicant is submitting this request for a refund.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Edward Kmett/

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